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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN JOSE DIVISION

E-FILED - 9/19/07

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14 UNITED STATES OF AMERICA,) No. CR 07-00434 RMW
15 Plaintiff,) STIPULATION AND []
16 v.) ORDER EXCLUDING TIME FROM
17 ELMER OCHOA-ALVAREZ,) SEPTEMBER 17, 2007 TO OCTOBER 1,
18 Defendant.) 2007 FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A))
19 _____)

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21 The parties stipulate that the time between September 17, 2007 and October 1, 2007 is
22 excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the
23 requested continuance would unreasonably deny defense counsel reasonable time necessary for
24 effective preparation, taking into account the exercise of due diligence. Finally, the parties agree
25 that the ends of justice served by granting the requested continuance outweigh the best interest of
26 the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases.

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1 18 U.S.C. §3161(h)(8)(A).

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3 DATED: September 17, 2007

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5 SCOTT N. SCHOOLS
6 United States Attorney

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8 /s/
9 BENJAMIN T. KENNEDY
10 Assistant United States Attorney

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12 /s/
13 CYNTHIA LIE
14 Assistant Federal Public Defender

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ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between September 17, 2007 and October 1, 2007 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED: 9/19/07

Ronald M. Whyte

RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE